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SUBJECT: UZBEKISTAN--2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. 2009 STATE 59732
[1](#)B. 2009 STATE 5577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Uzbekistan of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Uzbekistan and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Uzbekistan of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Uzbekistan's country narrative in the 2009 TIP Report:

Uzbekistan (TIER 2 Watch List)

Uzbekistan is a source country for women and girls trafficked to the UAE, India, Kazakhstan, Russia, Turkey, Thailand, Malaysia, South Korea, Japan, Indonesia, and Israel for the purpose of commercial sexual exploitation. Men are trafficked to Kazakhstan and Russia for the purpose of forced labor in the construction, cotton, and tobacco industries. Men and women are trafficked internally for the purposes of domestic servitude, forced labor, in the agricultural and construction industries, and for commercial sexual exploitation. Some girls are also trafficked internally for the purpose of commercial sexual exploitation. Many school-age children, college students, and faculty are forced to pick cotton during the annual harvest.

The Government of Uzbekistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, Uzbekistan did not make significant efforts to eliminate the use of forced labor of adults and children in the cotton harvest and did not make efforts to investigate, prosecute, or convict government officials complicit in the use of forced labor during the harvest; therefore, Uzbekistan is placed on Tier 2 Watch List. In September 2008, the government amended its criminal code to prohibit forced labor and increased the maximum penalty for trafficking to 12 years' imprisonment. Also, in September 2008, the government adopted a multi-year national action plan on combating child labor and the Prime Minister issued a formal ban prohibiting the use of child labor during the harvest; both addressed the use of forced child labor. The government also reported increased efforts to investigate, prosecute, and convict trafficking offenders during the reporting period. While the government again did not provide financial or in-kind support to the country's two NGO-run anti-trafficking shelters, it reported allocating \$176,000 of state funds to establish a government-run shelter in Tashkent; construction of the new shelter reportedly began during the reporting period.

In 2008, the Government of Uzbekistan maintained its strict quota system in which each province in the country is required to produce a share of the designated national cotton yield. Provincial governors were held personally responsible for ensuring that the quota was met; this pressure was passed to local officials, some of whom organized and forced school children, university students, and faculty to pick cotton to ensure the national quota was met. Uzbek farmers were unable to pay higher wages to attract a consenting workforce because the government pays the farmers below-market value for their cotton.

Recommendations for Uzbekistan: Take substantive action to end the use of forced labor during the annual cotton harvest; implement the national anti-trafficking action plan; continue to work with UNICEF and improve cooperation with ILO to reduce the reliance on forced labor during the annual cotton harvest; allow international experts to conduct an independent assessment of the use of forced labor during the

annual cotton harvest; investigate, prosecute, convict, and sentence government officials complicit in trafficking; provide financial or in-kind support to anti-trafficking NGOs to provide assistance and shelter for victims; take steps to establish additional shelters outside of Tashkent; and continue efforts to improve the collection of law enforcement trafficking data.

Prosecution

Uzbekistan reported improved law enforcement efforts to combat trafficking in 2008, although the government did not report efforts to address official complicity during the annual cotton harvest. The newly amended Article 135 of the criminal code now prohibits trafficking for both sexual exploitation and forced labor, and prescribes penalties of three to 12 years' imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other grave crimes, such as rape. In 2008, law enforcement agencies reported conducting 900 trafficking investigations involving 670 suspects, up from 273 investigations involving 303 suspects reported in 2007. Authorities reported securing the convictions of approximately 400 suspects for trafficking in 2008, up from 185 in 2007. Approximately 300 convicted traffickers were sentenced to some time in prison. During the last year, 177 convicted traffickers, including some convicted in previous years, were granted amnesty and served a reduced sentence in prison. The government did not effectively enforce the law prohibiting the use of forced labor or the formal ban issued by the Prime Minister prohibiting the use of child labor during the cotton harvest which also addressed forced child labor. The government also did not take steps to monitor attendance at schools during the harvest to ensure students were not forced to work in the fields.

Some reports of government officials involved in trafficking-related bribery and fraud continued; allegations included the fraudulent issuance of exit visas and individual police officers accepting bribes from traffickers. In 2008, the government reported that two high-level police officials were prosecuted, convicted, and each sentenced to seven years' imprisonment for trafficking Uzbek nationals to Russia. The government did not investigate or prosecute any government officials for their involvement in organizing and compelling many schoolchildren and university students as well as some faculty to work in the fields during the annual cotton harvest.

Protection

In accordance with new 2008 legislation, the government took steps to improve assistance and protection for victims of trafficking, though the Government of Uzbekistan did not provide financial or in-kind assistance to the two foreign-funded and NGO-run shelters in the country and all comprehensive victim assistance was provided by foreign-funded NGOs during the reporting period. In late 2008, the national government reportedly allocated funding from the state budget to establish an anti-trafficking shelter in Tashkent. Local observers described a need for additional trafficking shelters in Karakalpakstan and Ferghana Valley. The government identified 2,941 victims in 2008; NGOs assisted 342 victims during the reporting period. The 2008 comprehensive anti-trafficking law and the 2008 anti-trafficking national action plan both mandate that victims receive immediate and long-term assistance. In 2008, the government reported assisting victims through existing non-trafficking social service structures including medical assistance for 164 trafficking victims, psychological help for 123 victims, access to legal counsel for 149 victims, vocational retraining courses for 32 victims, direct employment for 47 victims, and other social assistance such as housing for 92 victims. The government did not employ formal procedures to identify or refer victims of trafficking for assistance.

Some victims assisted law enforcement in trafficking investigations in 2008; however, many victims were still afraid to provide testimony or information out of cultural shame or fear of retribution by their traffickers, and the government did not have a witness protection program for victims who assisted law enforcement. The government reported that identified repatriated victims of trafficking were not punished for acts committed as a direct result of being trafficked; however, victims were required to sign documentation confessing to their illegal departure from Uzbekistan.

Prevention

The government demonstrated awareness efforts in 2008. State-run print, television, and radio media significantly increased its coverage of trafficking from the previous year; efforts included television broadcasts of trafficking-themed films, radio service announcements, billboards throughout the country, and a state-financed production of a theater show about trafficking. In July 2008, the government adopted its first anti-trafficking national action plan which established the national inter-agency trafficking commission. The government-run media also focused attention on the amendments and subsequent enforcement of the criminal code which strengthened penalties and criminalized forced labor. However, the Uzbek government made limited efforts to prevent the use of forced labor during the annual cotton harvest by some local officials.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims' labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year.

Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 -- or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers' home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries' "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers' profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

¶Q. Why was Uzbekistan again given a ranking of Tier 2 Watch List?

¶A. Uzbekistan did not make significant efforts to eliminate the use of forced child and forced adult labor in the cotton harvest and did not make efforts to investigate, prosecute, or convict government officials complicit in the use of forced labor during the harvest; therefore, Uzbekistan is placed on Tier 2 Watch List. The government maintained its strict quota system in which each province in the country is required to produce a share of the designated national cotton yield. Provincial governors were held personally responsible for ensuring that the quota was met; this pressure was passed to local officials who organized and forced school children, university students, and faculty to pick cotton to ensure the national quota was met. Uzbek farmers were unable to pay higher wages to attract a consenting workforce because the government pays the farmers below-market value for their cotton.

¶Q. What progress has Uzbekistan made in the past year?

¶A. In September 2008, the Government of Uzbekistan amended its criminal code to prohibit forced labor and increased the maximum penalty for trafficking to 12 years' imprisonment, adopted a multi-year national action plan on combating child labor, and the Prime Minister issued a formal ban prohibiting the use of child labor during the harvest; both addressed the use of forced child labor. The government also reported increased efforts to investigate, prosecute, and convict trafficking offenders and reported allocating \$176,000 of state funds to establish a government-run shelter in Tashkent; construction of the new shelter reportedly began during the reporting period.

¶Q. What can Uzbekistan do to further the fight against trafficking in persons?

¶A. The Government of Uzbekistan could: Take substantive action to end the use of forced labor during the annual cotton harvest; implement the national anti-trafficking action plan; continue to work with UNICEF and improve cooperation with ILO to reduce the reliance on forced labor during the annual cotton harvest; allow international experts to conduct an independent assessment of the use of forced labor during the annual cotton harvest; investigate, prosecute, convict, and sentence government officials complicit in trafficking; provide financial or in-kind support to anti-trafficking NGOs to provide assistance and shelter for victims; take steps to establish additional shelters outside of Tashkent; and continue efforts to improve the collection of law enforcement trafficking data.

¶12. The Department appreciates posts' assistance with the preceding action requests.
CLINTON